

REMARKS

Claims 21-30 are pending in the application. Claims 1-20 have been cancelled. Claims 31-38 have been added.

Claims 21, 22, 25, 26, 28 and 29 are rejected under 35 U.S.C. § 112, first paragraph. In particular the Examiner suggests that claims 21, 22, 25, 26, 28 and 29 are single means claims and thus are subject to an undue breadth rejection as described In re Hyatt, (218 USPQ 195, 197, Fed Cir. 1983) and MPEP § 2164.08(a). Applicant respectfully disagrees. MPEP § 2164.08(a) and In re Hyatt are directed toward single means claims. Applicant's claims are composition of matter claims and are not single means claims. Hence, MPEP § 2164.08(a) and In re Hyatt do not apply to the instant claims. Applicant respectfully requests that the rejection under 35 USC § 112, first paragraph, be withdrawn.

Claims 21-26, 28 and 29 are rejected under 35 USC § 102(b) as anticipated by or, in the alternative under 35 USC § 103 as obvious over Welborn (WO 96/00246).

The Examiner suggests that ethylene hexene copolymers disclosed in Welborn inherently possess the properties in Applicant's claimed invention. Applicant respectfully disagrees. The catalysts disclosed in Welborn do not have the requisite substitutions on the cyclopentadienyl rings and thus are not capable of producing ethylene homopolymers or copolymers polymers having Applicant's required combination of a MIR of from 15 to 35; a MWD of from 2 to 15; a CDBI of ≥ 60 ; a melt strength ≥ 25.5 cN; and a melt index of from 0.2 to 10 dg/min. Specifically, none of the catalysts exemplified in Welborn's examples have the required substitution pattern, thus none of the polymers produced have the required melt strength of 25.5 cN or more in combination with the low MIR of 15 to 35. Since Welborn does not disclose Applicant's particular substitution pattern and does not make any polymers with catalysts having the required substitution pattern, Welborn does not disclose or suggest the claimed polymers.

OK

Substantially
similar
is
sufficient.

need
show
the impact
of catalyst.

Applicant thanks the Examiner for the indication of allowability for claims 27 and 30.

In light of the above, applicant submits that the claims are in condition for allowance and respectfully request a notice of allowance be issued.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment, to Deposit Account Number 05-1712. A duplicate copy of this form is enclosed.

Respectfully submitted,

Sept 8, 2003
Date

ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, Texas 77522-2149
(281) 834-5982 Phone
(281) 834-2495 Facsimile

Catherine L. Bell
Catherine L. Bell
Registration No. 35,444

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